

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

APPLICANT(S): Junji Kuyama DOCKET NO.: 09792909-0409

SERIAL NO.: 09/656,777 GROUP ART UNIT: 1745

DATE FILED: September 7, 2000 EXAMINER: M. M. Wills

INVENTION: "Positive Electrode Active Material for a Non-Aqueous Electrolyte Cell and Non-Aqueous Electrolyte Cell Using the Same"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Notice of Abandonment dated June 4, 2007, Applicant petitions for withdrawal of the abandonment as erroneous in light of timely filed Amendment on April 30, 2007. This Petition is filed in accordance with 37 C.F.R. §1.181(a).

A non-final Office Action issued on October 30, 2006.

On April 30, 2007, Applicant filed an Amendment in Response to the Office Action of October 30, 2006 ("Amendment"). The Amendment was accompanied by a petition for three-month extension of time and payment of the three-month extension fee. Thus, the Amendment was timely filed within six months of mailing of the Office Action of October 30, 2006.

On June 4, 2007, a Notice of Abandonment issued stating that no reply has been received in response to the Office Action of October 30, 2006.

Enclosed herewith is a copy of the Amendment, which was originally mailed on April 30, 2007, and which includes Certificate of Mailing certifying that the Amendment was mailed to the United States Patent and Trademark Office of April 30, 2007. Also enclosed is a copy of the self-addressed post card receipt showing transmittal of the Amendment and showing receipt of the Amendment by the Patent and Trademark Office on May 4, 2007.

Applicant has therefore timely filed the Amendment in response to the Office Action of October 30, 2007 utilizing the Certificate of Mailing procedures. The abandonment is therefore an error and withdrawal of the abandonment is accordance with 37 C.F.R. §1.181(a) and early issuance of the present application is hereby requested.

Since the abandonment of the present application is a result of Patent Office error, no fee is enclosed with this Petition. This Petition is being filed within two months of the Notice of Abandonment in accordance with 37 C.F.R. §1.181(f).

Respectfully submitted,

/Christopher P. Rauch/ (Reg. No. 45,034)

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Attorneys for Applicant(s)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/656,777	09/07/2000	Junji Kuyama	09793822-0409	1570
26263	7590	06/04/2007	EXAMINER	
SONNENSCHEIN NATH & ROSENTHAL LLP			WILLS, MONIQUE M	
P.O. BOX 061080			ART UNIT	PAPER NUMBER
WACKER DRIVE STATION, SEARS TOWER			1745	
CHICAGO, IL 60606-1080				
MAIL DATE		DELIVERY MODE		
06/04/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

RECEIVED

ABANDONED

JUN 13 2007

49B A.M.

Notice of Abandonment	Application No. 09/656,777	Applicant(s) KUYAMA ET AL.
	Examiner Monique M. Wills	Art Unit 1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 30 October 2006.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.

2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
(c) The issue fee and publication fee, if applicable, has not been received.

3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.

4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. The reason(s) below:

MARK RUTHKOSKY
PRIMARY EXAMINER
Mark Ruthkosky 5/29/2007

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

DOCKET NO. 09792909-0409
Patent Office Mail Room: Will you
please affix the Patent Office stamp
and return this card to acknowledge
receipt of the following documents:

4/30/2007

Applicant: J. Kuyama
Serial No.: 09/656,777
Filing Date: 9/2/2000

Title: POSITIVE ELECTRODE ACTIVE MATERIAL

1. Amendment in response to office action of 10/30/2006
2. Petition for extension of time
3. Postal money order
4. Form 2038
5. Post card



All mailed to the U.S. Patent and Trademark Office First Class Mail on 4/30/07.



H/T Docket

Sonnenschein

SONNENSCHEIN NATH & ROSENTHALL LLP

RECEIVED

7800 Sears Tower
233 South Wacker Drive
Chicago, IL 60606-6404

MAY 15 2007

49B A.M.

DOCKET NO. 09792909-0409
Patent Office Mail Room: Will you
please affix the Patent Office stamp
and return this card to acknowledge
receipt of the following documents:

4/30/2007
Applicant: J. Kuyama
Serial No.: 09/656,777
Filing Date: 9/2/2000

Title: POSITIVE ELECTRODE ACTIVE MATERIAL...

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4. Form 2038
5. Post card

All mailed to the U.S. Patent and Trademark Office First Class Mail on 4/30/07.

SONNENSCHEIN, NATH & ROSENTHAL LLP

8000 Sears Tower
 233 S. Wacker Drive
 Chicago, IL 60606
 312/876-0200

AMENDMENT IN RESPONSE TO OFFICE ACTION OF 10/30/2006

APPLICANT(S): J. Kuyama, et al. ATTORNEY DOCKET NO.: 09792909-0409

SERIAL NO.: 09/656,777 GROUP ART UNIT: 1745

DATE FILED: September 7, 2000 EXAMINER: Monique Wills

INVENTION: "Positive Electrode Active Material for a Non-Aqueous Electrolyte Cell and Non-Aqueous Electrolyte Cell Using the Same"

Commissioner for Patents
 P.O. Box 1450, Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

Additional claim fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADL FEE
TOTAL CLAIMS		MINUS		-0-	() X 25.00 () X 50.00	0.00
INDEP. CLAIMS		MINUS		-0-	() X 100.00 () X 200.00	0.00
Application amended to contain any multiple dependent claims not previously paid for.				() YES (X) NO	() \$180.00 () \$360.00 ONE TIME	
						\$ 0.00
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT		\$ 0.00	

- Applicant petitions the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated October 30, 2006 for 3 months so that the period for response is extended to April 30, 2007.
- The Commissioner is hereby authorized to charge Applicant's Attorneys' credit card in the amount of \$ 450.00 to cover the first- and second-month extension fees. Form 2038 is attached.
- Postal money order no. 05753750668 in the amount of \$ 570.00 is attached to cover the third-month extension fee.
- The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 19-3140. A duplicate of this sheet is enclosed.
When phoning re this application, please call 312/876-8000 - Ext. 2606.

SONNENSCHEIN NATH & ROSENTHAL LLP

DATE: April 30, 2007

BY Christopher P. Rauch (Reg. No. 45,034)

Christopher P. Rauch

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 30, 2007.

Christopher P. Rauch
 Christopher P. Rauch